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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/341,530	07/13/99	LARSEN	B PPT-20479-US

HM11/0614

EXAMINER

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LIKTON, J

ART UNIT	PAPER NUMBER
	1653

DATE MAILED: 06/14/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/341,590	Applicant(s) Due Larsen
	Examiner David Lukton	Group Art Unit 1653

Responsive to communication(s) filed on Jan 24, 2000

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 30 DAYS ~~REMOVED~~, or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

Claim(s) 1-32, 37, 39, 41, 43, 45, 47, and 49 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

Claim(s) _____ is/are allowed.

Claim(s) _____ is/are rejected.

Claim(s) _____ is/are objected to.

Claims 1-32, 37, 39, 41, 43, 45, 47, and 49 are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

Claims 1-32, 37, 39, 41, 43, 45, 47, 49 remain pending.

Upon reconsideration, the restriction is revised as set forth below.

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Restriction to one of the following inventions is required under 35 U.S.C. §121:

1. Claims 1-32 and 37 drawn to compounds, method of use, and method of making.
2. Claim 39, drawn to a method of use.
3. Claim claim 41, drawn to a method of use.
4. Claim 43, drawn to a method of use.
5. Claim 45, drawn to a method of use.
6. Claim 47, drawn to a method of use.
7. Claim 49, drawn to a method of use.

The claimed inventions are distinct.

The election of species requirement remains, as described in the previous Office action (Paper No. 8, mailed 5/19/00). A “specie” is a specific compound. In addition, applicants should identify that portion of the molecule which corresponds to “X”, and that which corresponds to “Y”

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a generic claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP 809.02(a).

Should applicant traverse on the ground that the species are not patentable distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. §103 of the other invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton. Phone: (703) 308-3213.

An inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.



DAVID LUKTON
PATENT EXAMINER
GROUP 1801